

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

DE ARANJAN INC. dba VALERO GRIP
& GO, et al.,

Defendants.

No. 1:22-cv-0994 DAD DB

ORDER

The circumstances of this case are most unusual. On August 10, 2022, plaintiff commenced this action by filing a complaint and paying the applicable filing fee. (ECF No. 1.) On October 31, 2022, attorney Alonzo J. Gadford appeared on behalf of defendant De Aranján Inc. (ECF No. 11.) On June 14, 2023, plaintiff filed an amended complaint. (ECF No. 33.) Attorney Gadford did not file a response and defendant De Aranján's default was entered on August 18, 2023. (ECF No. 40.)

On September 20, 2023, plaintiff filed a motion for default judgment. (ECF No. 43.) Since that time, attorney Gadford has taken no action and has repeatedly failed to respond to orders of this court. (ECF Nos. 51-52.) Accordingly, on February 20, 2024, the undersigned ordered plaintiff's counsel to file a supplemental brief addressing counsel's contact with attorney Gadford, if any. (ECF No. 59.) Plaintiff filed a statement on March 5, 2024. (ECF No. 60.)

1 Therein, plaintiff's counsel states that they have "recently spoken with Mr. Gadford who
2 is reportedly in good health and practicing law, and claims not to have abandoned his client." (Id.
3 at 1.) Gadford allegedly "promised to file his own statement with the Court by February 26,
4 2024," but has not done so. (Id.)

5 The undersigned finds the conduct of attorney Gadford troubling, as is the prospect that
6 defendant De Aranjah's default may be entirely the fault of attorney Gadford. Plaintiff suggests
7 the court serve documents on the defendant at the address for defendant's agent for service of
8 process. (Id. at 2.) Under these circumstances, the undersigned finds that appropriate.¹

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The April 19, 2024 hearing of plaintiff's motion for default judgment (ECF No. 54) is
11 continued to **June 14, 2024, at 10:00 a.m.** at the United States District Court, 501 I Street,
12 Sacramento, California, in Courtroom No. 27 before the undersigned in person;

13 2. The Clerk of the Court shall serve a copy of this order on attorney Gadford at the
14 following addresses in addition to electronic service:

15 1300 10th St
16 Ste G
16 Modesto, CA 95354

17 1202 H St.
18 Suite C
18 Modesto, CA 95354

19 3. The Clerk of the Court shall serve a copy of this order on defendant De Aranjah Inc.'s
20 registered agent for service at the following addresses:

21 Mathew P. Huck
22 1800 Generations Ct.
22 Modesto, CA 95356

23 4. On or before **May 31, 2024**, defendant De Aranjah Inc., shall file a statement
24 confirming receipt of this order;

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26

27 ¹ The undersigned appreciate plaintiff's counsel's efforts and patience while attempting to resolve
28 this issue. The undersigned is aware that attorney Gadford's conduct has not only caused concern
about defendant's representation but also delayed plaintiff's ability to pursue this action.

5. On or before **May 31, 2024**, attorney Gadford shall show cause for their conduct;

6. Plaintiff my file a reply on or before **June 7, 2024**; and

7. Attorney Gadford is cautioned that the failure to timely comply with this order may result in appropriate sanctions.

Dated: April 15, 2024


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:6
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